



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

SUPPLEMENT TO THE
ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE,
NOVEMBER, 1894.
(Number 9)

CONSTITUTION
OF THE
KINGDOM OF ITALY.

TRANSLATED AND SUPPLIED
WITH
AN HISTORICAL INTRODUCTION AND NOTES

BY
S. M. LINDSAY, PH. D.

AND
LEO S. ROWE, PH. D.

INSTRUCTORS IN THE WHARTON SCHOOL OF FINANCE AND ECONOMY,
UNIVERSITY OF PENNSYLVANIA.

PHILADELPHIA:
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

1894.

KRAUS REPRINT CO.
New York
1970

NOTE.

This Constitution, by means of the numbers at the bottom of the pages, is paged continuously with the Constitution of the United States of Mexico, which was the first paper in Volume II of the ANNALS, and was issued in a separate edition as No. 27 of the Publications of the Academy; the Constitution of the Republic of Colombia, which was sent as a Supplement to the January, 1893, ANNALS, and was also issued as No. 79 of the Publications of the Academy; the Constitutional and Organic Laws of France, which were sent as a Supplement to the March, 1893 ANNALS, and were also issued as No. 86 of the Publications of the Academy, and the Constitution of the Kingdom of Prussia which was sent as a Supplement to the September, 1894, ANNALS, and was also issued as No. 127 of the Publications of the Academy.

Copyright, 1894, by the American Academy of Political and Social Science.

Reprinted with the permission of the original publisher
KRAUS REPRINT CO.
A U.S. Division of Kraus-Thomson Organization Limited

Printed in Germany

OUTLINE OF CONTENTS.*

PREAMBLE.

ARTICLE.

1. State religion.
2. Monarchical form of government.
3. Legislative power vested in king and two chambers.
4. Inviolability of the king's person.
5. The king the sole executive. Powers to declare war and peace and make treaties.
6. Appointing power of king.
7. Promulgation of the laws.
8. Pardoning power of king.
9. Convoking and dissolving the chambers.
10. Initiative in legislation. Budget bills.
11. Majority of the king.
12. Regent during king's minority.
13. Regent during minority of king and of his nearest male relative.
14. Queen-mother as regent.
15. Election of regent in the absence of a constitutionally appointed one.
16. Regent in case of physical inability of king.
17. Education of king.
18. King's rights over ecclesiastical benefices.
19. Civil list of crown. Royal palaces.
20. Private property of king.
21. Civil list of heir-apparent and of royal princes. Dowries of princesses.
22. Oath of king.
23. Oath of regent.

OF THE RIGHTS AND DUTIES OF CITIZENS.

24. Universal equality before the law. Equality of rights and of eligibility for office.
25. Equal taxation.
26. Personal freedom.
27. Freedom from search.
28. Freedom of the press. Printing of Bibles and church books.
29. Inviolability of property. Exception.
30. Illegal taxes.
31. Public debt.
32. Right of assembly in private places. Restrictions on public assemblies.

OF THE SENATE.

33. Qualification, term and appointment of senators. Classes eligible to become senators.
34. Royal princes as senators.

*This Outline of Contents has been prepared by the Editors of the **ANNALS**.

- 35. Officers of the senate.
- 36. Senate as a court.
- 37. Freedom from arrest.
- 38. Presentation to senate of legal documents about royal family.

OF THE CHAMBER OF DEPUTIES.

- 39. Mode of choosing deputies.
- 40. Qualification of deputies.
- 41. Deputies not bound by instructions.
- 42. Term of office.
- 43. Election of officers.
- 44. Election of new deputy.
- 45. Freedom from arrest.
- 46. Arrest for debt.
- 47. Power of impeachment.

PROVISIONS RELATING TO BOTH HOUSES.

- 48. Necessity for both chambers to sit at once.
- 49. Oath of senators and deputies.
- 50. No salary.
- 51. Immunity of debate.
- 52. Public and secret sessions.
- 53. Necessity of a quorum.
- 54. Majority of votes cast.
- 55. Course pursued by bills.
- 56. Rejected bills.
- 57. Petitions to the chambers.
- 58. No presentation of petitions in person.
- 59. Deputations to the chambers forbidden. Only members, ministers, etc., to be heard by chambers.
- 60. Judge as to elections and qualifications of members.
- 61. Rules.
- 62. Official language. French permitted in certain cases.
- 63. Modes of voting.
- 64. No person to be a member of both chambers.

OF THE MINISTERS.

- 65. Appointment and dismissal.
- 66. Vote in chambers. Right to speak in either chamber.
- 67. Responsibility of ministers. Signature to laws.

OF THE JUDICIARY.

- 68. King the head of judiciary.
- 69. Term of office of royal appointed judges.
- 70. Courts, etc., to remain as before this constitution.
- 71. Right to legal trial. Extraordinary trials and commissions forbidden.
- 72. Public trials.
- 73. Interpretation of the laws.

GENERAL PROVISIONS.

- 74. Regulation of local institutions and boundaries.
- 75. Military conscriptions.
- 76. Communal militia.
- 77. National flag and color.
- 78. Knightly orders.
- 79. Titles of nobility. New titles.
- 80. Prohibition upon receiving foreign decorations, etc.
- 81. Abrogation of laws contrary to this constitution.

TRANSITORY PROVISIONS.

- 82. Date constitution goes into effect. Royal ordinances until then.
- 83. King's right to make certain laws.
- 84. Responsibility of ministers.

The translators desire to express their indebtedness to Dr. Carlo F. Ferraris, Professor of Administrative Law and Politics at the University of Padua; Dr. G. Mosca, Professor of Public Law at the University of Rome, and Sig. M. Pantaleoni, Editor of the *Giornali degli Economisti*, for the careful revision of the proof-sheets and many valuable suggestions, and also to Commendatore L. Bodio, Director of the Royal Bureau of Statistics.

THE CONSTITUTION OF ITALY.

HISTORICAL INTRODUCTION.

The interest with which the American people followed every step in the progress of Italian unification* and the sympathy felt for this nation in its struggle with its French and Austrian neighbors invite special attention to those fundamental provisions upon which that unity is based. In treating of the Italian constitutional development, one fact which hardly finds its parallel in any other country, becomes apparent. The modern Italian State represents the gradual aggrandizement, both as regards area and internal vigor, of a comparatively small State; the Kingdom of Sardinia.† This nucleus enlarged itself through a more or less willing but formally voluntary annexation of adjacent duchies and principalities and by cession from foreign countries.‡

By the year 1861 this process of integration had advanced far enough to enable the extended Kingdom of Sardinia to proclaim itself the "Kingdom of Italy." That which followed may be looked upon as the gradual realization of those aspirations, which were the necessary and logical outcome of the intellectual and economic condition of Italy at that time.

* It is only necessary to refer to the mass meeting held at the Academy of Music, in New York, on the twelfth of January, 1871, to celebrate the unification of Italy. The proceedings were published by Putnam & Sons.

† The Kingdom of Sardinia in the year 1859 comprised Piedmont, Savoy, Nice and Sardinia.

‡ In the latter cases however, the ceded districts expressed their willingness through their plebiscite, when Austria ceded Lombardy to Piedmont in 1859, although no plebiscite took place at that time; a plebiscite of the 8th of June, 1848, had already decided in favor of such annexation.

In order, however, to fully appreciate the closing scenes in the course of Italian unification, it is necessary to pass rapidly in review the events which led to that fruitful period of Italian history when a down-trodden people claimed for itself all the prerogatives of an independent nation. We must trace the movement from a time when, still divided into a great number of duchies and principalities, some elements of the present constitution make their entry into Italian constitutional history. Although the present constitution is in reality identical with that granted to the people of the Kingdom of Sardinia, it was by no means the first to be found within the territorial limits of the present Kingdom of Italy. For this we must go back as far as the close of the last century, when the French Revolution and its principles were stirring all Europe to its very foundations, when the conquests of Napoleon were reforming and rearranging boundaries and jurisdictions. Perhaps in no other country did Napoleon so juggle with states and peoples as in Italy. A worthy preliminary to his subsequent policy was the Treaty of Campo Formio (1797), wherein the whole of Northern and Central Italy was reconstituted politically, through its division into four republics.

It is not possible to bring within the range of this summary, a sketch of the varying fortunes of these republics which suffered division and subdivision, change of government through re-instatement of their respective sovereigns, etc., as pleased the will and fancy of Napoleon. European history then approaches a period which was destined to again change the political complexion of Italy. The Congress of Vienna attempted the impossible task of "ignoring the Revolution of

1789" and the changes effected by Napoleon. As regards Italy, the internal rearrangement of territory during the quarter of a century had been so great that although certain restorations of dethroned monarchs were provided for, the former territorial limits could no longer be restored. For the future constitutional development, the most important amongst these was the restitution of the old Kingdom of Sardinia, with the addition of Genoa, to the House of Savoy. With this event the future constitutional history of Italy is intimately interwoven. The first disturbing element, as has so often happened in the history of Italian principalities, came from without. The Austrian treaty of 1821 prevented Victor Emanuel I. from making any concessions to his subjects. This led to an insurrection in Piedmont, and the king, not wishing to openly break with Austria, abdicated in favor of his cousin, Carlo Alberto, who was appointed regent. He, in turn, acknowledged the superior rights of Victor Emanuel's brother, Carlo Felice. The middle of the century marks a period of great intellectual activity. The best thought of the people was being directed toward the realization of those ideals of national unity which had found expression in such works as Balbo's "*Speranze d'Italia*," Gioberti's "*Il Primato morale e civile degli Italiani*," and in the teachings of men like Massimo d'Azeglio, Giusti, Ricasoli, Capponi and Manzoni. These ideas spread rapidly through Piedmont, but more especially in Tuscany. The way had now been prepared for the activity of the two men who contributed most to the promotion of Italian unification, Garibaldi and Count Camillo Benso di Cavour. A convenient date from which to follow their efforts, is the accession of Pius IX

to the pontifical chair. Great hopes had been entertained of his liberal tendencies, and it seemed as if a period of vigorous national life was to follow the granting of a constitution to the Pontifical State. As a matter of fact, constitutions were also granted in Tuscany and Piedmont. But at this juncture an event occurred which again, though seemingly favorable at first, turned out to be a retarding factor in the progressive movement. The tidal wave of revolution which spread over Europe with the French Revolution of 1848 brought Italy into a state of anarchy. Carlo Alberto, then King of Sardinia, taking advantage of the general bitterness of feeling, declared war against Austria. Carlo Alberto and his allies were defeated in two campaigns which lead to the abdication of the king in favor of his son, Victor Emanuel II. The condition of Italy at the time of his accession to the throne was by no means favorable to the plans he had in mind. Austria still maintained her ascendancy in Parma, Modena and Tuscany through the princes which she herself had placed on these thrones. The liberal ideas of Pius IX. had, from a fear of revolutionary excesses, given way to a bitter reactionary policy, and Sardinia itself, the only centre from which permanent relief was to be expected, was almost crushed by the Austrian forces.

The internal reforms effected by Victor Emanuel II, in both civil and religious institutions, contain some of the main principles upon which the modern Italian State is based. In 1850, with d'Azeglio as Prime Minister, the work of reform was inaugurated, and in 1852, when Cavour took the reins of government, Italy entered upon a stage of active unification. His success in arousing sympathy abroad soon bore fruit. In 1859 war was

declared between France and Sardinia on the one side and Austria on the other. It was felt that upon the outcome of this struggle depended, to a great extent, the immediate consummation of the hopes of Italy. The result did not bring all the expected benefits, but nevertheless marked considerable progress. Tuscany, Modena, Parma, the Romagna, in a word, the whole of Central Italy, declared itself for annexation to the Kingdom of Sardinia, which was effected in 1860. The one great disappointment was the continued subjection of Venice to Austrian rule. The incorporation of the outstanding territories was now merely a question of time. The example of Central Italy was followed in 1861 by the Kingdom of the Two Sicilies. The wars of 1866 and 1870 brought Venice and Rome into what was already looked upon as a united Italy. We have been compelled to give this outline of the progress of Italian unification for the simple reason that the history of the annexation of provinces to the Kingdom of Sardinia is the history of the extension of the Constitution of 1848 to the United Kingdom of Italy. The long list of constitutions which we are about to enumerate disappeared as the petty kingdoms, duchies and principalities became merged into the unified state.

CONSTITUTIONS PRIOR TO THE ALBERTINE CONSTITUTION OF 1848.*

I. The first written constitution which appeared in Italy was known as the "*Costituzione della Repubblica Cispadana*," which was modeled after the French Constitution of 1795. It was adopted by the representatives

* For a fuller account of the early constitutions see Urtoller, "*Lo Statuto fondamentale del Regno d'Italia*," pp. 208. Cesena, 1881. First Part "Of the State and the Monarchy,"

of Bologna, Ferrara, Modena and Reggio, accepted by the people and published on the twenty-seventh of March, 1797. Its main provisions were that the legislative power should be exercised by two councils, one of sixty, the other of thirty members. The former had the exclusive right of the proposing measures, the latter that of approval or rejection. The executive authority was placed in the hands of a Directory of three members elected by the legislative bodies. The Executive was expected to look to the security of the Republic, both within and without, having the power to issue proclamations in conformity with the law. The various administrative bodies occupied about the same position as at present.

II. After the formation of the Cisalpine Republic, a constitution, also modeled after the French, was granted by Napoleon and proclaimed on the ninth of July, 1797 (21st Messidor An. V). This also provided for an executive directory and two legislative councils, one of 160, the other of 80 members.

III. The above constitution was amended September 1, 1798, through the introduction of the French system of administrative divisions.

IV. Based upon the same principles was the Constitution of the Ligurian Republic, which was accepted by the people on the second of December, 1797.

V. The Constitution of the Tiberine, or Roman Republic, was the only one of the four Republican Constitutions which made any attempt at deviation from the principles of the French Constitution. These differences, however, were more apparent than real. In form, ancient traditions were adhered to, and in place of the councils of thirty and of sixty, a Senate (*Senato*) and a

Tribunal (*Tribunato*) were substituted. The traditional Directory was christened Consulate with five Consuls, elected by the legislative councils acting in the capacity of an electoral assembly. This constitution was promulgated on the twentieth day of March, 1798.

VI. The Parthenopean Constitution of 1799 marks a still more decided deviation from the French model which had, heretofore, furnished the outline for constitutions of Italian States. It provided for a bi-cameral system, a Senate of fifty members having the exclusive right of legislative initiative, and a council of 120 with power of approval or rejection. A peculiar provision of this constitution was the formation of departmental commissions "to see that citizens lived according to democratic principles," and in case of infraction of such principles to deprive them of their active and passive rights of citizenship. They also had the supervision of public education. No citizen enjoyed the electoral franchise without previous military service. Educational as well as moral qualifications were prescribed as conditions for eligibility to public office and especially for Representative.

VII. Napoleon having secured from Austria the provinces of the Cisalpine Republic, introduced therein a new system of government, consisting of a governing commission and a legislative advisory board. These two bodies then prepared the Constitution of January 26, 1802. The name, "Cisalpine Republic," was changed to "Italian Republic." Napoleon assumed the Presidency. The electors were divided into three classes—the college of the *possidenti* (property owners), whose place of meeting was Milan; the college of the *dotti* (the learned), which met at Bologna, and that of the

commercianti (tradesmen), which met at Brescia. Upon these three colleges devolved the duty of electing the Advisory Council of State, the Legislative Corps, the members of the highest tribunals and the commissioners of the public treasury. They also had the power of expressing their opinion upon any constitutional amendments proposed by the Advisory Council of State. Another peculiar and important body created by this constitution was the "*Censura*," a commission composed of twelve members elected by the three electoral colleges. It elected public officials from the lists proposed by the three colleges, filled vacancies in the College of the Learned and decided upon the institution of legal proceedings in cases of alleged unconstitutional acts. The Advisory Council of State, composed of eight members, was entrusted with the examination of foreign treaties as well as all matters pertaining to foreign affairs. The cabinet ministers of the President were responsible for the acts of the government, for the execution of the laws and all decrees of the public administration, as well as for the expenditures and receipts of public monies.

VIII. The above constitution, proving too democratic, was amended the same year. For the Legislative Corps a Senate was substituted, in which all political and administrative powers were concentrated; it consisted of thirty members, presided over by a Doge, and was divided into five departments, namely, the Supreme or General Department, the Department of Justice and Legislation; of the Interior; of War and Navy, and of Finance. The presidents of the four latter performed the functions of cabinet ministers.

IX. A Constitution for the Ligurian Republic was promulgated June 24, 1802, and remained in force until 1805.

X. Monarchial aspirations commenced to take hold of the smaller Italian States, and induced them to resign their sovereignty and become parts of the French Empire, forming the departments of Genoa, of Montenotte and of the Apennines. Napoleon's desire was now to rearrange Italy so as to form, if possible, one united State, or at most, two or three smaller, but powerful States. In pursuance of this plan, that part of the Republic included between the rivers Ticino, Adige, and Rubicon and Le Rezie, formed the new Italian State. Its constitution was based upon the same principles as those of the French Empire and remained in force until the fall of Napoleon.

XI. Joseph Napoleon, having been called to the Spanish throne, decided, upon leaving Naples, to grant a constitution to the Kingdom of Naples, which was promulgated in 1808, but was only nominally in force until formally recognized in 1815 by Joachim Murat, his immediate successor. It gave the king the right of veto, provided for one single legislative chamber, composed of 100 members, and a Council of State, composed of not less than twenty-six and not more than thirty-six members. The legislative body was divided into five sections; that of the Clergy, of the Nobility, of the Property-owners, of the Learned and of the Tradesmen. The Council of State was divided into four departments, namely, that of Justice and Public Worship, of the Interior and Police, of Finance, of War and Navy. The Council of State was presided over by the king or by his deputy. It was entrusted with the preparation of civil and criminal laws, and of general administrative regulations. Its powers were, however, of an advisory rather than of a legislative nature.

XII. We have now several constitutions of minor importance to consider. In 1812, Francis, who was made Viceroy of Sicily after the abdication of his father, Ferdinand III., granted a comparatively liberal constitution. The legislative power was placed in the hands of a Parliament, the approval of the king being required for the validity of all laws. The judiciary was distinctly separated from the executive and legislative powers; the cabinet ministers and public officials were responsible to Parliament, which was composed of two chambers, a House of Commons to represent the people, and a House of Lords to be composed of those ecclesiastical and temporal dignitaries who occupied certain rank.*

XIII. In the year 1815, Joachim Murat formally adopted with certain modifications the constitution minor granted by Joseph Napoleon in 1808,† which was promulgated only a few days before the restoration of the Bourbons to the throne of Naples. Its main provisions were: the executive power to be exercised by the king, the legislative by a Parliament of two chambers, a Senate and a Council of Notables. The concurrence of both Legislative and Executive was necessary to the validity of all laws and important regulations.

XIV. In the year 1820, Ferdinand I. granted a constitution to the Kingdom of the Two Sicilies. The Parliament, a single chamber composed of deputies representing the whole nation, had very extensive powers. A peculiar provision of this constitution was the so-called Parliamentary Deputation composed of

* This evident analogy to the English constitutional system is partly due to Sir William Bentinck, the Commander of the English army which then occupied the island.

† See Constitution, No. XI.

seven members, elected by Parliament, whose duty it was, in case of the dissolution of the latter, to maintain the observance of the constitution, and to convoke Parliament in extraordinary session, as prescribed by the constitution. The king appointed and dismissed all cabinet ministers, and exercised special powers regarding foreign affairs. The Council of State, composed of twenty-four members, was his advisory board. The Judiciary was absolutely independent of both Legislature and Executive.

XV. We now approach the period of liberal constitutions of the year 1848. The first one was that granted February 10, 1848, by Ferdinand II. of Sicily. The legislative body was divided into two chambers corresponding exactly to the then prevailing theory of constitutional government. It was composed of a Chamber of Peers and a Chamber of Deputies. The former were appointed by the king for life and constituted a high court of justice for the trial of offences against the security of the State, as well as a legislative body. The Chamber of Deputies was composed of members representing the nation at large.

XVI. Leopold II., of Tuscany, recognizing the need of a more highly developed civic activity, granted to the people of Tuscany February 15, 1848, a constitution known as "*Lo Statuto della Toscana*," which provided for a complete system of representative government. The legislative body was composed of two chambers; a Senate, composed of members appointed by the Grand Duke; a General Council, composed of eighty-six deputies, elected by constituted Electoral Colleges. Commercial and industrial liberty, as well as the freedom of the press, were guaranteed in a special

section of the constitution known as the "*Public Law of the Tuscans*."

XVII. Reference has already been made to the hopes aroused by the liberal tendencies of Pius IX. These expectations seemed to be realized in the "Constitution of the Temporal Power" (*Statuto fondamentale del Governo temporale*), sanctioned by Pius IX. on the fourteenth of March, 1848. The legislative power was divided into two bodies, the High Council and the Council of Deputies. The only restriction of the legislative functions was an express prohibition of all discussion of the foreign relations of the Holy See, as well as all laws affecting ecclesiastical matters when not in harmony with the canons and discipline of the church. Each legislative session was limited to three months. All bills after passing both councils were submitted to the Sovereign Pontiff and then considered in secret consistory. Having heard the opinion of the cardinals, the pope gave or withheld his approval. The Sacred College confirmed the nomination of cabinet ministers and filled vacancies. A Council of State, composed of ten members and twenty-four adjunct advisors, was entrusted with the preparation of laws and regulations.

XVIII. Sicily, having become, for the moment, an independent State through a successful revolution against the King of the Two Sicilies, a Constituent Assembly adopted a new constitution on the tenth of July, 1848. The legislature comprised two branches, a Chamber of Deputies and a Senate, the former being renewed biennially, in its entirety while in the latter one-third retired every two years. The king could neither adjourn nor dissolve Parliament. The analogies between this

constitution and that of the United States are numerous and striking.

XIX. The revolution in Rome having resulted in the proclamation of the Republic on the ninth of February, 1848, by the Constituent Assembly, the basis of this constitution was naturally in harmony with the circumstances of its origin. The people were declared to be by eternal right sovereign; all titles of nobility and class privileges were swept away, all religious qualifications for the exercise of civil and political rights were abolished. The pope was granted the necessary guarantees for the exercise of his spiritual power. The constitution, furthermore, provided for an Assembly, a Consulate and an independent Judiciary. The legislative power was in the hands of an Assembly, the initiative in legislation belonging both to the Deputies and to the Consulate. In addition, a Council of State was provided for, which was to be consulted by the Consulate and cabinet ministers concerning proposed measures.

XX. We now come to the constitution which is that of the modern Italian State. The constitution granted by Carlo Alberto, King of Sardinia, on the fourth of March, 1848, was preceded by the following declaration: "The people that we have governed by the will of a Divine Providence during the last seventeen years with fatherly love have always understood our affection just as we have endeavored to learn of their wants, and it has always been our doctrine that Prince and nation were united by the strong bonds of the common welfare. Of this union we have had the gratifying proof in the general approval with which the recent reforms have been received. The desire for their happiness, as

well as the wish to accustom our people to the discussion of public affairs, has prompted our action in the projects for future reform. Now, that the time is propitious for more rapid progress in this direction, it is our wish, in the midst of changes which are revolutionizing Italy, to give most solemn proof of our confidence in the loyalty of our subjects. At the present moment we are fortunately able to proclaim, with the advice of our ministers and advisors, the following principles as the basis of a constitution to realize in our States a complete system of representative government." Then followed fourteen articles which outlined the principles of the constitution:

ART. 1. The Roman Catholic religion is the only religion of the State. All other cults now existing are tolerated in accordance with the law.

ART. 2. The person of the King is sacred and inviolable. His ministers are responsible.

ART. 3. To the King alone belongs the executive power. He is the supreme head of the State. He is commander-in-chief of the army and navy, declares war, concludes treaties of peace, alliance and commerce, appoints public officials, and gives all necessary orders for the proper execution of the laws.

ART. 4. The king alone sanctions laws and promulgates them.

ART. 5. Justice emanates from the king and is administered in his name. He has the power of pardoning offences and commuting sentences.

ART. 6. The legislative power is to be exercised by the King and two chambers collectively.

ART. 7. The first Chamber is to be composed of members appointed for life by the King; the second is to be

elected upon the basis of qualifications to be determined hereafter.

ART. 8. The proposal of laws belongs to the King and to each of the two Chambers. Every bill for the levying of taxes, however, shall first be presented to the elective Chamber.

ART. 9. The King shall convoke the two houses annually. He has the power to prorogue their sessions, and may dissolve the elective Chamber, in which case, however, the new house shall be convoked within the succeeding four months.

ART. 10. No tax shall be levied or collected without the consent of both Houses and the approval of the King.

ART. 11. The press shall be free, but subject to restrictive laws.*

ART. 12. Individual liberty shall be guaranteed.

ART. 13. Judges, with the exception of those instituted for special purposes, shall hold office for life after having held position for a certain number of years.

ART. 14. The right to establish a communal militia is reserved. It shall be composed of taxpayers of a specified grade, be subject to the control of the administrative authority and directly responsible to the Minister of the Interior. The King may suspend or dissolve the militia, whenever he shall deem fit.

"The constitution which in pursuance of our wishes has been prepared in conformity with the articles above mentioned, shall take effect immediately after the reorganization of the local administration.

"May God protect the new era which opens itself before our people and until they shall be able to exercise

*This clause refers to the abolition of the censorship. "Restrictive laws" do not refer to provisions for previous examination of matter intended for publication, but rather to the subsequent determination of liability for acts committed.

the greater liberties accorded them, of which they are and will continue to be worthy, we expect of them the rigorous observance of existing laws and the imper-turable calm so necessary to complete the work of internal organization."

Given at Turin, February 8, 1848.

The constitution announced in the above proclamation was promulgated on the fourth of March, 1848.*

Although no provision is to be found in this constitution for amendment, most Italian constitutional jurists have held that Parliament, with the approval of the King, has the power to make laws amending the constitution, for an immutable constitution is sure in time to hamper the development of a progressive people. It is hardly necessary to add that such an instrument is contrary to the true conception of an organic law. As a matter of fact several provisions have been either abrogated or rendered null and void through change of conditions.

Thus the second clause of Article 28, requiring the previous consent of the bishop for the printing of Bibles, prayer books and catechisms, has been rendered of no effect through subsequent laws regulating the relations of Church and State. Article 76, which provides for the establishment of a communal militia, has been abrogated by the military law of June 14, 1874. The fact that no French-speaking provinces now form part of the kingdom has made Article 62 a dead-letter. So also Articles 53 and 55 are no longer strictly adhered to. At all events their observance has been suspended for the time being.

*The extension of this constitution to the various parts of the present Kingdom of Italy was effected by a series of Plebiscites: Lombardy, December 7, 1859; Emilia by decree of March 18, 1860, and law of April 15, 1860; Neapolitan Provinces, December 17, 1860; Tuscany, decree March 22, and law April 15, 1860; Sicily, Marches and Umbria, December 17, 1860; Province of Venice, decree July 28, 1866; Roman Provinces, decree October 9 and law December 31, 1870.

THE CONSTITUTION OF ITALY.¹

(CHARLES ALBERT, by the Grace of God, King of Sardinia, Cyprus and Jerusalem, Duke of Savoy, Genoa, Monferrato, Aosta, of the Chiabrese, Genovese and of Piacenza; Prince of Piedmont and Oneglia; Marquis of Italy, Saluzzo, Ivrea, Susa, Ceva, of the Maro, of Oristano, of Cesana and Savona; Count of Moriana, Geneva, Nice, Tenda, Romonte, Asti, Alexandria, Goceano, Novara, Tortona, Vigevano and of Bobbio; Baron of Vaud and Faucigny; Lord of Vercelli, Pinerolo, Tarantasia, of the Lomellina and of the Valley of Sesia, etc., etc., etc.)

With the fidelity of a king and the affection of a father, we are about to-day to fulfill all that we promised our most beloved subjects in our proclamation of the eighth of last February, whereby we desired to show, in the midst of the extraordinary events² then transpiring

¹ The bibliographical note which follows this translation will indicate various Italian texts and French translations of the constitution as well as reference to several commentaries. The only English translation of which we have knowledge is that made by the English Embassy and published in a volume of Parliamentary Reports entitled, "Correspondence Respecting the Affairs of Italy 1846-47," Part ii, p. 130, ff, London, 1848.

² Here reference is made to the insurrections, riots, etc., many of them of a very serious nature, which gave expression to the rising spirit of democracy throughout all Italy, and was even the subject of correspondence with foreign countries as endangering the peace of Europe. The weakness of the petty rulers in many of the provinces, who maintained their position only through the aid of Austrian arms, so increased the desire of the population to be freed from foreign rule that some form of representative government became imperative. Even in Sardinia, with the more able government of Charles Albert, the feeling of discontent and opposition to the existing government was so strong, that the municipality of Turin finally petitioned the King, on February 5, 1848, for a constitution for the country. These petitioners included among their number many of the nobility and high officials of State, as well as large landed proprietors. The

throughout the country, how much our confidence in our subjects increased with the gravity of the situation, and how, consulting only the impulse of our heart, we had fully determined to make their condition conform to the spirit of the times and to the interests and dignity of the nation.

We, believing that the broad and permanent representative institutions established by this fundamental statute are the surest means of cementing the bonds of indissoluble affection that bind to our crown a people that has so often given us ample proof of their faithfulness, obedience and love, have determined to sanction and promulgate this statute. We believe, further, that God will bless our good intentions, and that this free, strong and happy nation will ever show itself more deserving of its ancient fame and thus merit a glorious future.

Therefore, we, with our full knowledge and royal

serious condition of affairs at Milan and Naples influenced public opinion at Turin. At Milan an attempt was made to increase the public revenue by increasing the tax on tobacco, and this measure was so obnoxious that the young men of the city banded together to resist it by refusing to consume tobacco until it was removed, and holding up as their example the action of the American colonists when opposed to the tea tax in Revolutionary days. In Naples the greatest disorder prevailed. An order to disperse the students to their homes was issued by the authorities, but subsequently revoked as a measure that tended to spread discontent. Finally, on January 29, 1848, a decree was issued at Naples promising that the Sicilian king would grant his people a constitution. This promise intensified the demands made in other provinces, and King Charles Albert, of Sardinia, after several secret sessions of his Council, answered the petition of the Turin municipality by his proclamation of February 8, declaring that he of his "free and entire will" believed the time ripe for granting his subjects a complete representative system of government. He further stated his intention to grant them a fundamental statute then in preparation, but the character and principal points of which he gave an outline. This action gave immediate satisfaction, not lessened by the appearance of the statute itself some weeks later.

authority and with the advice of our Council, have ordained and do hereby ordain and declare in force the fundamental perpetual and irrevocable statute and law of the monarchy as follows:

ARTICLE I. The Catholic, Apostolic and Roman religion is the only religion of the State. Other cults now existing are tolerated conformably to the law.¹

¹ The evident purport of this article upon the relation of the State to the Church has been very radically changed by subsequent laws. A decree dated October 9, 1870, and the laws of December 31, 1870, and May 13, 1871, have given it quite a different meaning from that in vogue at the time of the adoption of the constitution. The latter law has attained particular importance since the Council of State declared (March 2, 1878), that it may be considered to all intents and purposes as part of the fundamental law of the kingdom. It is known as the "Guarantee Law," and its full text may be found in an excellent collection of administrative laws, together with the text of the Statute issued by the firm of G. Barbera, Florence, and entitled "*Codice Politico Amministrativo*," with notes and interpretations by Professor Cogliolo and Avv. E. Malchiodi. It is this Guarantee Law that the Pope has never accepted, and under which he declares himself to be the prisoner of the Italian Government. A synopsis of its provisions may be given as follows: (1) The person of the Pontiff is sacred and inviolable; (2) any attempt or provocation to take the life of the Pope as well as any personal assault or offence by public act or speech is punished under the same law as that protecting the person of the king. The right to discuss religious matters is, however, entirely free. (3) The Italian Government guarantees to the Pope when in Italian territory all honors customarily shown him by Catholic sovereigns and permits him to maintain the usual number of guards and personal attachés without violation of law. (4) An annual income of 3,225,000 lire is reserved for the Holy See as a dotation for the expenses of the Holy Apostolic Palace, Holy College, ecclesiastical organization and diplomatic representation. This dotation forms part of the public debt in the form of a perpetual and inalienable income which remains free from all taxation and may not be diminished even in case the government should later decide to be responsible for the expenses of the museums and of the library; (5) besides this the Sovereign Pontiff has the use of the Vatican and Lateran Palaces, with all gardens, etc., appertaining thereto, and also the Villa di Castello Gondolfo. All these palaces, villas, as well as museums, library and historic collections are inalienable and exempt from taxation and appropriation. (6) During the vacancy of the Pontifical Chair no political or judicial authority may hinder or limit the personal liberty of the Cardinals. The government will protect assemblies of conclave and œcumenical councils from exterior disturbance and violence. (7) No public

ART. 2. The State is governed by a representative

official in the performance of the duties of his office may enter the residence of the Pope or the Papal palaces during the sessions of an œcumenical council or when the Cardinals are united in conclave without the previous permission of the Pope, Conclave or Council. (8) Papers, documents, books, registers, etc., deposited in pontifical offices and invested with a purely spiritual character may not be examined by process of law. (9) The Sovereign Pontiff is entirely free to fulfill the functions of his spiritual ministry and to this end may put notices on basilicas and churches of Rome. (10) The clergy at Rome in the exercise of their spiritual functions cannot be subjected to any examination, investigation or control on the part of the civil authorities. Every foreigner invested with ecclesiastical functions at Rome shall enjoy all the privileges and immunities of Italian citizens. (11) Envoys of foreign governments to the Holy See are entitled to the same prerogatives and immunities accorded to other diplomatic agents according to the usages of international law. Also envoys of the Holy See are entitled to rights of the same nature while going or returning from their mission. (12) The Pontiff has the right to establish his own post office and telegraph service at the Vatican. This post office may transmit sealed packages of correspondence direct to foreign offices or through the medium of the Italian Post. In either case transmissions in Italian territory are made free of charge. Telegrams received with Pontifical mark are transmitted within the Kingdom like telegrams of the State, free of charge. (13) Within the city of Rome the six subsidiary Sees, the seminaries, academic colleges and other Catholic institutions, founded for ecclesiastical education remain under the sole control of the Holy See and may not be subjected to any interference on the part of the educational authorities of the State. (14) Every special restriction of the right of the members of the Catholic clergy to assemble is abolished. (15) The government renounces the right to an apostolic legation in Sicily and to the appointment to the major benefices throughout the kingdom. Bishops are no longer required to swear fidelity to the King. Major and minor benefices may be conferred only on citizens of the Kingdom except in Rome and its subsidiary Sees. (16) The governmental authorization for the publication of ecclesiastical acts is abolished, but until provision is made in a special law, this authorization (*exequatur et placet regio*) is maintained for acts disposing of ecclesiastical goods and making appointments to the major and minor benefices, except in Rome and its subsidiary Sees. (17) In matters of spiritual discipline there is no appeal from decisions of ecclesiastical authorities, nor is there accorded to these decisions any execution by the public authority. If, however, these acts are contrary to law, they are subject to civil jurisdiction and punishment. (18) A future law will provide for the reorganization, preservation and administration of the ecclesiastical estates of the Kingdom. (19) All regulations now in force contrary to this law are hereby declared to be null and void.

monarchical government, and the throne is hereditary according to the Salic law.¹

ART. 3. The legislative power shall be exercised collectively by the King and the two Chambers, the Senate and the Chamber of Deputies.

ART. 4. The person of the King is sacred and inviolable.

ART. 5. To the King alone belongs the executive power. He is the supreme head of the State; commands all land and naval forces; declares war; makes treaties of peace, alliance, commerce and other treaties, communicating them to the Chambers as soon as the interest and security of the State permits, accompanying such notice with opportune explanations; provided that treaties involving financial obligations or change of State territory shall not take effect until they have received the consent of the Chambers.

ART. 6. The King appoints to all the offices of the State and makes the necessary decrees and regulations for the execution of the laws, provided that such decrees do not suspend or modify their observance.

ART. 7. The King alone sanctions and promulgates the laws.

ART. 8. The King may grant pardons and commute sentences.

ART. 9. The King convokes the two Chambers each year. He may prorogue their sessions and dissolve the Chamber of Deputies, in which case he shall convoke a new Chamber within a period of four months.

¹The Salic Law originated with the Salian Franks. The famous clause of this law, which now bears the name of the whole, is the fifth paragraph of chapter 59, which prescribes conditions for the inheritance of private property by which women are excluded from the line of succession. This clause was later applied to the succession to the throne, and now the term "Salic Law" is used solely in this sense and means male succession.

ART. 10. The initiative in legislation belongs both to the King and the two Houses. All bills, however, imposing taxes or relating to the budget shall first be presented to the Chamber of Deputies.

ART. 11. The King shall attain his majority upon completion of his eighteenth year.

ART. 12. During the King's minority, the Prince who is his nearest relative in the order of succession to the throne, shall be regent of the realm, provided he be twenty-one years of age.

ART. 13. Should the Prince upon whom the regency devolves be still in his minority and this duty pass to a more distant relative, the regent who actually takes office shall continue in the same until the King becomes of age.

ART. 14. In the absence of male relatives, the regency devolves upon the Queen-Mother.

ART. 15. In the event of the prior decease of the Queen-Mother, the regent shall be elected by the legislative Chambers, convoked within ten days by the Ministers of the Crown.

ART. 16. The preceding provisions in reference to the regency are also applicable in case the King has attained his majority, but is physically incapable of reigning. Under such circumstances, if the heir presumptive to the throne be eighteen years of age, he shall be regent of full right.

ART. 17. The Queen-Mother has charge of the education of the King until he has completed his seventh year; from this time on his guardianship passes into the hands of the regent.

ART. 18. All rights pertaining to the civil power in matters of ecclesiastical benefices and in the execution

of all regulations whatsoever coming from foreign countries shall be exercised by the King.¹

ART. 19. The civil list of the Crown shall remain, during the present reign, at an amount equal to the average of the same for the past ten years. The King shall continue to have the use of the royal palaces, villas, gardens and their appurtenances, and also of all chattels intended for the use of the Crown, of which a speedy inventory shall be made by a responsible ministerial department. In the future the prescribed dotation of the Crown shall be fixed for the duration of each reign by the first Legislature subsequent to the King's accession to the throne.²

ART. 20. The property that the King possesses in his own right, shall form his private patrimony, together with that to which he may acquire title either for a consideration or gratuitously in the course of his reign. The King may dispose of his private patrimony either by deed or will exempt from the provisions of the civil law as to the amount thus disposable. In all other cases, the King's patrimony is subject to the laws that govern other property.

ART. 21. The law shall provide an annual civil list for the heir apparent to the throne when he has attained his majority, and also earlier on occasion of his marriage; for the allowances of the Princes of the royal family and royal blood within the specified conditions; for the dowries of the Princesses and for the dowries of the Queens.

¹ The clause, "Regulations from foreign countries," refers to Papal decrees, ecclesiastical ordinances, judicial sentences, and matters relating to extradition. At time of adoption of this constitution Rome was foreign territory.

² After King Humbert I. ascended the throne, a law dated June 27, 1880, fixed the annual dotation of the Crown, but the sum then agreed upon has since been increased to 14,250,000 lire.

ART. 22. Upon ascending the throne, the King shall take an oath in the presence of the two Chambers to observe faithfully the present constitution.

ART. 23. The regent, before entering on the duties of that office, shall swear fidelity to the King and faithful observance of this constitution and of the laws of the State.

OF THE RIGHTS AND DUTIES OF CITIZENS.

ART. 24. All the inhabitants of the Kingdom, whatever their rank or title, shall enjoy equality before the law. All shall equally enjoy civil and political rights and be eligible to civil and military office, except as otherwise provided by law.

ART. 25. All shall contribute without discrimination to the burdens of the State, in proportion to their possessions.

ART. 26. Individual liberty is guaranteed. No one shall be arrested or brought to trial except in cases provided for and according to the forms prescribed by law.

ART. 27. The domicile shall be inviolable: No house search shall take place except in the enforcement of law and in the manner prescribed by law.

ART. 28. The press shall be free, but the law may suppress abuses of this freedom.¹ Nevertheless, Bibles, catechisms, liturgical and prayer books shall not be printed without the previous consent of the bishop.²

ART. 29. Property of all kinds whatsoever shall be inviolable. In all cases, however, where the public

¹ The first law issued under this clause was that of March 26, 1848. (Text is in collection referred to in note 1 on page 25.) This law has since been modified by the following acts: February 26, 1852; June 20, 1858; May 6, 1877, and again by the Penal Code of 1889.

² The second section of this article has been practically abrogated by subsequent legislation.

welfare, legally ascertained, demands it, property may be condemned and transferred in whole or in part after a just indemnity has been paid according to law.¹

ART. 30. No tax shall be levied or collected without the consent of the Chambers and the sanction of the King.

ART. 31. The public debt is guaranteed. All obligations between the State and its creditors shall be inviolable.

ART. 32. The right to peaceful assembly, without arms, is recognized, subject, however, to the laws that may regulate the exercise of this privilege in the interest of the public welfare.² This privilege is not applicable, however, to meetings in public places or places open to the public,³ which shall remain entirely subject to police law and regulation.

OF THE SENATE.

ART. 33. The Senate shall be composed of members, having attained the age of forty years, appointed for life by the King, without limit of numbers.

They shall be selected from the following categories of citizens:

1. Archbishops and Bishops of the State.
2. The President of the Chamber of Deputies.
3. Deputies after having served in three Legislatures, or after six years of membership in the Chamber of Deputies.
4. Ministers of State.
5. Secretaries to Ministers of State.
6. Ambassadors.

¹ Law of June 25, 1865.

² Law for public safety, dated March 20, 1865, was modified by the law of July 6, 1871. Law now in force is dated June 30, 1889. (Text in collection mentioned note 1 on page 25.)

³ Such as theatres, concert halls, etc.

7. Envoys Extraordinary after three years of such service.

8. The First Presidents of the Courts of Cassation¹ and of the Chamber of Accounts.²

9. The First Presidents of the Courts of Appeal.³

10. The Attorney-General of the Courts of Cassation and the Prosecutor-General, after five years of service.

11. The Presidents of the Chambers of the Courts of Appeal after three years of service.

12. The Councillors of the Courts of Cassation and of the Chamber of Accounts after five years of service.

13. The Advocates-General and Fiscals-General of the Courts of Appeal after five years of service.

14. All military officers of the land and naval forces with title of general. Major-generals and rear-admirals after five years of active service in this capacity.

15. The Councillors of State after five years of service.

16. The members of the Councils of Division⁴ after three elections to their presidency.

¹These are Courts of Review and Appeal in second instance with appellate jurisdiction in civil and criminal cases for appeals in error, in form, or in fact. There are at present five of these courts in Italy, and parliamentary efforts to unite them in one have thus far been unsuccessful. The court at Rome has somewhat more extensive powers than either of the other four. (Florence, Naples, Palermo and Turin.) Each court has a first president and one or more presidents of sections, and eight to sixteen councillors. Seven members constitute a quorum.

²This corresponds to the French "*cours des comptes*," with jurisdiction over matters concerning the public revenue. It is, in reality, a Court of Audit; the accounts of fiscal agents being submitted to it for approval.

³The Courts of Appeal in first instance with the same form of organization as the Courts of Cassation. They number at present twenty.

⁴At the time of the adoption of this Constitution the "Division" in Piedmont corresponded to the "Province" in modern Italy. The "Councils of Division" are therefore the elective representative bodies of the Provinces, now known as the Provincial Councils. There are at present 69 provinces. See law of Feb. 10, 1889.

17. The Provincial Governors (*Intendenti generali*)¹ after seven years of service.

18. Members of the Royal Academy of Science of seven years standing.

19. Ordinary members of the Superior Council of Public Instruction after seven years of service.

20. Those who by their services or eminent merit have done honor to their country.

21. Persons who, for at least three years, have paid direct property or occupation taxes to the amount of 3000 lire.

ART. 34. The Princes of the Royal Family shall be members of the Senate. They shall take rank immediately after the President. They shall enter the Senate at the age of twenty-one and have a vote at twenty-five.

ART. 35. The President and Vice-Presidents of the Senate shall be appointed by the King, but the Senate chooses from among its own members its secretaries.

ART. 36. The Senate may be constituted a High Court of Justice by decree of the King for judging crimes of high treason and attempts upon the safety of the State, also for trying Ministers placed in accusation by the Chamber of Deputies.² When acting in this capacity, the Senate is not a political body. It shall not then occupy itself with any other judicial matters than those for which it was convened; any other action is null and void.

ART. 37. No Senator shall be arrested except by virtue of an order of the Senate, unless in cases of flagrant

¹ *Intendenti generali* were the heads of the *divisions*. They corresponded to the actual *Prefetti*, the political and administrative heads of the Provinces, appointed by the Government.

² The judicial regulations of the Senate when constituted a High Court of Justice bear date May 7, 1870. (For text see collection of laws referred to in note 1. p. 25.)

commission of crime. The Senate shall be the sole judge of the imputed misdemeanors of its members.¹

ART. 38. Legal documents as to births, marriages and deaths in the Royal Family shall be presented to the Senate and deposited by that body among its archives.

OF THE CHAMBER OF DEPUTIES.

ART. 39. The elective Chamber is composed of deputies chosen by the electoral colleges as provided by law.²

ART. 40. No person shall be a member of the Chamber who is not a subject of the King, thirty years of age, possessing all civil and political rights and the other qualifications required by law.

ART. 41. Deputies shall represent the nation at large and not the several Provinces from which they are chosen. No binding instructions may therefore be given by the electors.

ART. 42. Deputies shall be elected for a term of five years; their power ceases *ipso jure* at the expiration of this period.

¹ In judging misdemeanors of a criminal nature, the Senate is constituted a High Court of Justice.

² The election law long in force was that of December 17, 1860, which was subsequently modified in July, 1875, and in May, 1877. In January, 1882, a comprehensive electoral reform was inaugurated by which the electoral age qualification was reduced from twenty-five to twenty-one years, and the tax qualification to an annual payment of nineteen lire eighty centesimi as a minimum of direct taxes. This law introduced a new provision requiring of electors a knowledge of reading and writing. It is an elaborate law of 107 articles (see reference in note 1 on page 25 for text). The provisions relating to the elections by general ticket were further revised by law of May and decree of June, 1882, and the text of the whole law was co-ordinated with the preceding laws by Royal Decree of September 24, 1882. It was again modified May 5th, 1891, by the abolition of elections on general tickets and the creation of a Commission for the territorial division of the country into electoral colleges. The number of electoral colleges is at present fixed at 508, each electing one Deputy. Twelve articles of this law of 1882, as thus amended, have been again amended by a law dated June 28, 1892, prescribing further reforms in the control and supervision of elections, and by law of July 11, 1894, on the revision of electoral and registration lists.

ART. 43. The President, Vice-presidents and Secretaries of the Chamber of Deputies shall be chosen from among its own members at the beginning of each session for the entire session.

ART. 44. If a Deputy ceases for any reason whatsoever to perform his duties, the electoral college that chose him shall be convened at once to proceed with a new election.

ART. 45. Deputies shall be privileged from arrest during the sessions, except in cases of flagrant commission of crime; but no Deputy may be brought to trial in criminal matters without the previous consent of the Chamber.

ART. 46. No warrant of arrest for debts¹ may be executed against a Deputy during the sessions of the Chamber, nor within a period of three weeks preceding or following the same.

ART. 47. The Chamber of Deputies shall have power to impeach Ministers of the Crown and to bring them to trial before the High Court of Justice.

PROVISIONS RELATING TO BOTH HOUSES.

ART. 48. The sessions of the Senate and Chamber of Deputies shall begin and end at the same time, and every meeting of one Chamber, at a time when the other is not in session is illegal and its acts wholly null and void.

ART. 49. Senators and Deputies before entering upon the duties of their office shall take an oath of fidelity to the King and swear to observe faithfully the Constitution and laws of the State and to perform their duties with

¹ This article has been practically abolished by the Mancini law of December 6, 1877, doing away with personal arrest for debts.

the joint welfare of King and country as the sole end in view.¹

ART. 50. The office of Senator or Deputy does not entitle to any compensation or remuneration.²

ART. 51. Senators and Deputies shall not be held responsible in any other place for opinions expressed or votes given in the Chambers.

ART. 52. The sessions of the Chambers shall be public. Upon the written request of ten members secret sessions may be held.

ART. 53. No session or vote of either Chamber shall be legal or valid unless an absolute majority of its members is present.³

ART. 54. The action of either Chamber on any question shall be determined by a majority of the votes cast.

ART. 55. All bills shall be submitted to committees elected by each House for preliminary examination. Any proposition discussed and approved by one Chamber shall, be transmitted to the other for its consideration and approval; after passing both Chambers it shall be presented to the King for his sanction. Bills shall be discussed article by article.⁴

ART. 56. Any bill rejected by one of the three legislative powers cannot again be introduced during the same session.

ART. 57. Every person who shall have attained his

¹ According to the law of December 30, 1882, a Deputy loses all claim to his seat if he does not take the prescribed oath within two months after election.

² A law to salary the Deputies was introduced in 1882 by Francisco Crispi, when Deputy, but was rejected by the Chamber of Deputies.

³ This article is not observed in actual parliamentary practice.

⁴ This provision has necessarily been somewhat modified by the exigencies of business before the Chambers. Articles are therefore grouped as far as possible for purposes of debate, but always voted upon separately.

majority has the right to send petitions to the Chambers, which in turn must order them to be examined by a committee; on report of the committee each House shall decide whether they are to be taken into consideration, and if voted in the affirmative, they shall be referred to the competent Minister or shall be deposited with a Government Department for proper action.

ART. 58. No petition may be presented in person to either Chamber. No persons except the constituted authorities shall have the right to submit petitions in their collective capacity.

ART. 59. The Chambers shall not receive any deputation, nor give hearing to other than their own members and the Ministers and Commissioners of the Government.

ART. 60. Each Chamber shall be sole judge of the qualifications and elections of its own members.

ART. 61. The Senate as well as the Chamber of Deputies shall make its own rules and regulations respecting its methods of procedure in the performance of its respective duties.¹

ART. 62. Italian shall be the official language of the Chambers. The use of French shall, however, be permitted to those members coming from French-speaking districts and to other members in replying to the same.²

ART. 63. Votes shall be taken by rising, by division, and by secret ballot. The latter method, however, shall always be employed for the final vote on a law and in all cases of a personal nature.

¹ The manual of rules now in use in the Senate and Chamber of Deputies were adopted in 1876 and 1868 respectively, but both have been subjected to some revision. The text is to be found in collection already referred to, note 1, page 25.

² Second clause, now of no effect, applied to Savoy and Nice, now part of France, by terms of treaty of March 24, 1860.

ART. 64. No one shall hold the office of Senator and Deputy at the same time.

OF THE MINISTERS.

ART. 65. The King appoints and dismisses his ministers.¹

ART. 66. The Ministers shall have no vote in either Chamber unless they are members thereof. They shall have entrance to both Chambers and must be heard upon request.

ART. 67. The Ministers shall be responsible.² Laws and decrees of the government shall not take effect until they shall have received the signature of a Minister.

OF THE JUDICIARY.

ART. 68. Justice emanates from the King and shall be administered in his name by the judges he appoints.

ART. 69. Judges appointed by the King, except Cantonal or District judges (*di mandamento*), shall not be removed after three years of service.³

¹ A Royal Decree dated August 25, 1876, contains the rules for the proceedings in Cabinet Council (*Consiglio dei Ministri*). The Act of February 12, 1888, concerning the Council of Ministers, provides that their number and functions shall be determined by Royal Decree. This is in accordance with the settled principle of Italian public law by which the King may modify the internal organization of the executive department of the government by royal decree.

² The responsibility of ministers has not as yet been defined by law; the Mancini ministry in 1878 appointed a commission to prepare such a law, but its labors came to naught.

³ After some attempts to do away with this guarantee, a law, passed December 6, 1865, gave the government the right to remove judges, provided the latter were guaranteed the same grade and salary. This prerogative of the government was later weakened by a decree of January 4, 1880, which instituted a Commission of the Ministry of Justice, composed of four Councillors of the Courts of Cassation and one member of the bar at the same courts, charged with the duty of giving advice upon the removal of judges. Judges *di mandamento* are known as *pretore* and have jurisdiction over political divisions comprising several communes. There are 1535 such divisions or *Mandamenti*.

ART. 70. Courts, tribunals and judges are retained as at present existing. No modification shall be introduced except by law.¹

ART. 71. No one shall be taken from his ordinary legal jurisdiction. It is therefore not lawful to create extraordinary tribunals or commissions.²

ART. 72. The proceedings of tribunals in civil cases and the hearings in criminal cases shall be public as provided by law.

ART. 73. The interpretation of the laws, in the form obligatory upon all citizens, belongs exclusively to the legislative power.

GENERAL PROVISIONS.

ART. 74. Communal and provincial institutions and the boundaries of the communes and provinces shall be regulated by law.³

ART. 75. The military conscriptions shall be regulated by law.⁴

ART. 76. A communal militia shall be established on a basis fixed by law.⁵

¹ See law of December 6, 1865, for organization of the Judiciary, and the organic law for the Court of Assizes and for jury trials, dated June 8, 1874.

² The code of penal procedure, however, in Article 766 seems to run directly counter to this clause by the provision that in case of reasonable suspicion, or on the grounds of public safety, the accused may be removed for trial from the regularly constituted jurisdiction.

³ Law of March 20, 1865. A new law was discussed by the Chamber of Deputies May, 1880, but the favorable report of the committee was rejected by the Chamber in December, 1881. On the tenth of February, 1889, a new law was passed, since modified by the Acts of July 5, 1889, and that of 1894.

⁴ Law of June 7, 1875, as modified by military legislation in 1882.

⁵ The first law on this subject was dated March 4, 1848; this was followed by law of February 27, 1859, regulating the election of officers, the division into corps. Another law dated August 4, 1861, applies to the militia. The national guard as such became extinct after the military law of June 14, 1874.

ART. 77. The State retains its flag, and the blue cockade is the only national one.¹

ART. 78. The knightly orders now in existence shall be maintained with their endowments, which shall not be used for other purposes than those specified in the acts by which they were established. The King may create other orders and prescribe their constitutions.

ART. 79. Titles of the nobility are guaranteed to those who have a right to them. The King may confer new titles.

ART. 80. No one may receive orders, titles or pensions from a foreign power without the King's consent.

ART. 81. All laws contrary to the provisions of the present constitution are hereby abrogated.

Given at Turin on the fourth day of March, in the year of Our Lord, one thousand eight hundred and forty eight, and of Our Reign the eighteenth.

TRANSITORY PROVISIONS.

ART. 82. This statute shall go into effect on the day of the first meeting of the Chambers, which shall take place immediately after the elections. Until that time urgent public service shall be provided for by royal ordinances according to the mode and form now in vogue, excepting, however, the ratifications and registrations in the courts which are from now on abolished.

ART. 83. In the execution of this statute the King reserves to himself the right to make the laws for the

¹ A few days after the promulgation of this Constitution, King Charles Albert issued a proclamation (March 25, 1848), to the inhabitants of Lombardy and the Province of Venice saying that he had adopted the three Italian colors, green, white and red. Two subsequent decrees, dated April 11 and 28, 1848, gave the "new colors" to the marine and to the communal militia, and these acts of executive power have been held to be legal because the Constitution was not yet in force according to the terms of Article 82.

press, elections, communal militia and organization of the Council of State. Until the publication of the laws for the press, the regulations now in force on this subject remain valid.

ART. 84. The Ministers are entrusted with, and are responsible for the execution and full observance of these transitory provisions.

CHARLES ALBERT.

The Minister and First Secretary of State for Internal Affairs, BORELLI.

The First Secretary of State for Ecclesiastical Affairs and for Pardon and Justice, Director of the Great Chancery, AVET.

The First Secretary of State for Finance, DI REVEL.

First Secretary of State for Public Works, Agriculture, and Commerce, DES AMBROIS.

First Secretary of State for Foreign Affairs, E. DI SAN MARZANO.

First Secretary of State for War and Navy, BROGLIA.

First Secretary of State for Public Instruction, C. ALFIERI.

BIBLIOGRAPHICAL NOTE.

For the text of the Italian Constitution, with many of the laws of a supplementary nature and some commentary from a legal point of view, see:—

Codice Politico Amministrativo. Raccolta completa di tutte le leggi e regolamenti concernenti la pubblica amministrazione nei suoi rapporti politici e amministrativi. Con commenti copiosi ed esteri, raffronti, giurisprudenza completa, note esplicative per cura dell'Annuario Critico di Giurisprudenza Pratica dell'Avv. Prof. PIETRO COGLIO con la speciale collaborazione dell'Avv. ERMINIO MALCHIODI. Firenze, G. Barbera, Editore. 1892. Pp. 1123. Prezzo, Lire 5.

Statuto fondamentale del Regno d'Italia. Milano, Tipografia Luigi di Giacomo Pirola. Text only, pamphlet pp. 16.

Costituzioni Italiane. Raccolta di tutte le costituzioni antiche e moderne. Torino, 1852, 2 vols.

Statuto fondamentale del Regno d'Italia. Bologna, 1881. Text only.

Codice politico-amministrativo del Regno d'Italia ovvero collezione metodica delle leggi e dei decreti d'interesse generale e permanente dal 1861 in poi. Roma, 1879. 1 vol. Leggi costituzionale e amministrazione generale.

Le leggi di unificazione amministrativa precedute dalla legge fondamentale del regno. V. GIOIA, Palermo, 1877, 2 vols.

Les constitutions de tous les pays civilisés. Recueilles, mises en ordre et annotées par. Mme. la Princesse DE LESIGNANO. Bruxelles, 1880, pp. 604.

Les Constitutions Modernes. Recueil des constitutions actuellement en vigueur dans les divers États d'Europe, d'Amérique et du monde civilisé. Traduites sur les textes et accompagnées de notices historiques et de notes explicatives. Par F. R. DARESTE, avec la collaboration de P. DARESTE, Paris, 1883, 2 vols., pp. 573 678.

For commentaries and discussions of the principles of the Italian Constitution, see:

DEMOMBYNES, *Constitutions Européennes.* Résumé de la législation concernant les parliaments, les conseils provinciaux et communaux et l'organisation judiciaire dans les divers États de l'Europe avec une notice sur le Congrès des États-Unis d'Amérique. Paris, 1881, 2 vols. 1893. There is a second edition enlarged of Vol. I.

MARQUARDSSEN, *Handbuch des Öffentlichen Rechts der Gegenwart.* Abtheilung für Italien. Das Staatsrecht des Königreiches Italien von Herrn Prof. Brusa, 1888, Freiburg.

VISMARA, *Statuto fondamentale commentato.* Milano, 1875, Theoretical Commentary.

FIorentini, *Lo Statuto spiegato al popolo.* Roma, 1879.

BRUNIALTI, *La costituzione Italiana* Torino, 1881.

Lo Statuto fondamentale del Regno d'Italia annotato. Cesena, 1881-82.

CASANOVA, *Del diritto costituzionale.* 2 vols., third edition. Firenze, 1875.

GARELLI, *Lezioni di diritto costituzionale Italiano.* Vol. I, third edition. Torino, 1876.

L. PALMA, *Corso di diritto costituzionale*. 3 vols., Firenze, 1877-81.

BORGEAUD, *Établissement et Révision des Constitutions en Amérique et en Europe*, Paris, 1893.

URTOLLER, *Lo Statuto fondamentale del Regno d'Italia*. First Part "Of the State and the Monarchy." Cesena, 1881. pp. 208.